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09/824,595	04/02/2001	Randall Scott Springfield	RPS9 2000 0016	1231

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EXAMINER

GYORFI, THOMAS A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 11/24/2006

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/824,595  
Filing Date: April 02, 2001  
Appellant(s): SPRINGFIELD ET AL.

**MAILED**

**NOV 24 2006**

**Technology Center 2100**

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Janyce R. Mitchell  
Reg. No. 40,095  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed September 22, 2006 appealing from the  
Office action mailed March 27, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The Examiner relies upon U.S. Patent 6,678,833 to Grawrock and U.S. Patent 6,161,177 to Anderson in the rejection of the claims under appeal. Furthermore, in order to more particularly establish a definition for a claim term, Examiner cites an excerpt from the article "BIOS: Definition and Much More from Answers.com" (available at <http://www.answers.com/topic/bios#copyright>, ©1998 The Computer Language Co.).

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grawrock (U.S. Patent 6,678,833) and further in view of Anderson (U.S. Patent 6,161,177).

Referring to Claim 1:

Grawrock discloses a method for evaluating a boot source in a computer system having a processor comprising the steps of: determining the boot source used by the processor each time the computer system boots (col. 3, lines 40-45; col. 4, lines 25-30), and allowing the boot source to be specified once as a known boot source (col. 3, lines 62-67).

Although Grawrock discloses writing an identifier that represents an identity of the boot source (col. 3, lines 45-61), Grawrock does not disclose wherein the identity of the boot source includes a location of a particular number of instructions initially executed. However, Anderson discloses this limitation (identity written in col. 3, lines 20-25; includes location at col. 4, lines 45-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would permit some type of corrective action to be taken if an incongruity is detected (Anderson, col. 3, lines 27-32).

Regarding claim 2:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches specifying that the known boot source be a FLASH boot source (col. 4, lines 33-43).

Regarding claim 3:

Grawrock and Anderson teach all the limitations of claim 2 above. In addition, Grawrock further teaches writing the identity of the FLASH boot source in a write-once register which identifies the boot source for future boots (col. 3, lines 40-47).

Regarding claim 4:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Grawrock also teaches writing the identity of the boot source in a register each time the computer system boots (col. 4, lines 25-30).

Regarding claim 5:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches checking the boot source determined to ensure that the boot source is the known boot source (col. 3, lines 1-25).

Regarding claim 6:

Grawrock discloses a system for evaluating a boot source in a computer system having a processor coupled with a boot source, the system comprising:

a first register for storing an identifier of the boot source used by the processor each time the computer system boots (element 345 of Figure 3; col. 3, lines 40-45; col. 4, lines 25-30); and

a second register for allowing the boot source to be specified once as a known boot source (element 330 of Figure 3; col. 3, lines 62-67).

Although Grawrock discloses writing an identifier of the boot source in the first register that represents an identity, this identifier is not the same as the identity of the boot source as per Appellant's definition of the term: specifically, that the identity includes a location of a particular number of instructions initially executed. However,

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Anderson teaches that one can record the identity of a boot source so as to distinguish it among multiple BIOSes in a computer system (col. 1, lines 13-20; col. 3, lines 20-25), the identity necessarily having a location associated with it (col. 4, lines 45-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would permit one to take some form of corrective action to be taken if an incongruity is detected (Anderson, col. 3, lines 27-32).

Regarding claim 7:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the computer system includes a bridge coupling the processor with the boot source and wherein the first register and the second register are located in the bridge (col. 3, lines 7-24; Figures 2 and 3).

Referring to Claim 8:

Grawrock and Anderson teach the limitations of claim 7 above. Grawrock further discloses wherein the bridge is a south bridge (element 140, Fig. 1; col. 3, lines 18-24).

Regarding claim 9:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the known boot source is written only once to the second register (col. 3, lines 62-67).

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Regarding claim 10:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the known boot source is a FLASH boot source (col. 4, lines 33-43).

Regarding claim 11:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the identity of the boot source is capable of checking the boot source stored in the first register to ensure that the boot source is the known boot source (col. 4, lines 25-30).

Regarding claim 12:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the processor is capable of boot source stored in the first register to ensure that the boot source is the known boot source (col. 3, lines 1-25).

### **(10) Response to Argument**

Examiner now traverses the arguments put forth by the Appellant in the Appeal Brief filed September 22, 2006.

Appellant argues that the combination of the Grawrock and Anderson references fails to disclose or suggest all the limitations of independent claims 1 and 6. Beginning



on page 9, lines 5-17 of the appeal brief, Appellant argues that the boot block identifier disclosed in the cited portions of Grawrock is not the recited identity (location of instructions executed) of the boot source. Examiner concedes that, in view of the amendment after final of June 30, 2006, Appellant's analysis is correct. However, as will be established below, this is rectified by the Anderson reference. For the record, Examiner wishes to clarify that under the broadest possible definition of the term, the boot block identifier disclosed by Grawrock, being composed of one or more images of the code initially executed at startup (col. 3, lines 45-50) would in the general sense constitute an "identity", i.e. the collective aspect of the characteristics by which a thing is known (see also the Final Office Action of March 27, 2005, page 2, definition of "identity").

Beginning on page 9, line 18, through page 10, line 2, Appellant argues that the BIOS identifying information disclosed by Anderson does not include a location of the boot source. While the BIOS identifying information is used to establish compatibility between the CPU and the chipset, Appellant has overlooked a more fundamental fact: in order to make the disclosed comparison, the system disclosed by Anderson must first select a BIOS for analysis out of a conventional EEPROM memory unit which is capable of storing a plurality of BIOS programs (see Anderson, col. 4, lines 21-26, and col. 5, lines 19-32). Each BIOS, including the data that would otherwise identify the make and model of a particular CPU or chipset, are a set of instructions residing at different addresses (i.e. locations) within said EEPROM, and that consequently in order to obtain the information to make the comparison, the Anderson system must necessarily know

what each BIOS's address is so as to be able to find it within said EEPROM. As the address of a particular BIOS in the EEPROM is vital to the functioning of the Anderson system, there exists at least the suggestion that it would be included as part of the BIOS identifying information of Anderson.

Examiner further wishes to note that with respect to Appellant's use of the term "particular number of instructions initially executed", it was well known in the art that a BIOS program begins execution upon startup, performs a finite number of instructions to prepare the computer for operation, then terminates by passing control to a proper operating system. By way of illustration, Examiner cites the article "BIOS: Definition and Much More from Answers.com", 2<sup>nd</sup> paragraph ("It Starts Working at Startup"; see also Grawrock, col. 4, lines 30-35 for corroboration). Furthermore, the BIOS program is stored in a memory unit which itself has only a finite capacity (BIOS definition, 3<sup>rd</sup> paragraph; see also Anderson, col. 4, lines 20-25); consequently, each BIOS is thus limited to being a finite (i.e. particular) number of instructions.

Appellant further argues on page 10, lines 3-9, that Anderson does not teach or suggest writing the recited identity of the boot source each time the system boots. Examiner disagrees, noting that Anderson discloses that the current BIOS identifying information can be written as part of the crisis recovery routine (col. 3, lines 20-25). It is conceivable that there could exist an instance of the Anderson invention that requires the crisis recovery routine each time the machine is booted, thereby resulting in the claimed limitation. Furthermore, it is noted that Examiner cited Grawrock to recite this limitation (col. 4, lines 25-30; see also col. 3, lines 62-63).

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Appellant concludes on page 10, lines 10-20, by arguing that the combination of references would fail to teach or suggest all the limitations of claims 1 and 6. Examiner disagrees, for all the reasons laid out above.

As claims 2-5 and 7-12 depend upon independent claims 1 and 6 respectively, therefore the rejections should be sustained for the same reasons discussed above with respect to claims 1 and 6.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

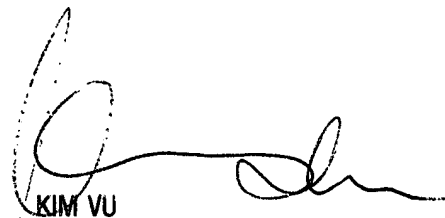
Respectfully submitted,



Thomas Gyorf

Examiner, Art Unit 2135

Conferees:

  
KIM VU

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Kim Vu



Supervisory Patent Examiner, AU2135

Benjamin Lanier



Examiner, AU2132

## Technology

Directory > Science > Technology

### BIOS

(Basic Input Output System) An essential set of routines stored in a chip that provides an interface between the operating system and the hardware in a PC. The BIOS supports all peripheral technologies including drives as well as internal services such as the realtime clock (time and date). BIOS settings are maintained in a tiny battery-backed memory.

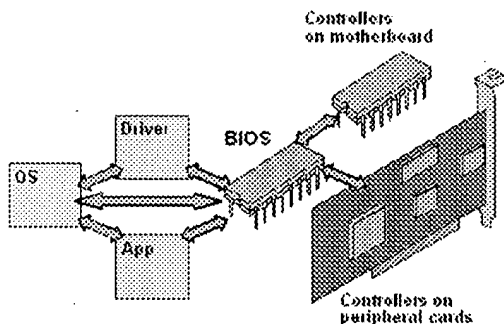
#### It Starts Working at Startup

On startup, the BIOS tests the system and prepares the computer for operation by querying its configuration settings. It searches for other BIOS's on the plug-in boards and sets up pointers (interrupt vectors) in main memory to access those routines. It then loads the operating system and passes control to it. The BIOS accepts requests from the drivers as well as the application programs.

#### A BIOS Can Get Out-Of-Date

BIOSs must periodically be updated to keep pace with the latest peripheral technologies. If the BIOS is stored on a ROM chip (ROM BIOS), it must be replaced. Newer BIOSs are stored on a flash memory chip that can be upgraded via software. BIOS replacement was very common with earlier PCs. See BIOS upgrades, BIOS setup and beep codes.

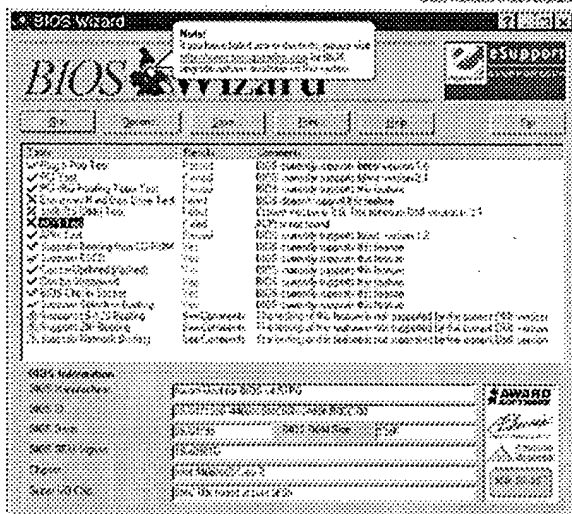
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BIOS interaction

On startup, the BIOS searches all peripheral controllers in the system to obtain the current configuration, which it makes available to the software.

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BIOS identification

TouchStone Software's BIOS Wizard is a nifty utility that identifies and tests your PC's BIOS to see if it needs to be updated. The program is available at [www.esupport.com/bioswiz/index2.html](http://www.esupport.com/bioswiz/index2.html). (Screen image courtesy of TouchStone Software Corporation, [www.esupport.com](http://www.esupport.com))

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About "BIOS":

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I am planning to update my BIOS, but when I read my motherboard manual I saw a warning that updating BIOS may result in system failure or malfunction...

I am planning to update my BIOS, but when I read my motherboard manual I saw a warning that updating BIOS may result in system failure or malfunction...

Recently I tried to update the BIOS with the version of the website on 06/20/01. The previous version was 7.0. The problem is the following: Despite the...

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